

Congress of the United States
House of Representatives
Washington, DC 20515-4004

July 26, 2013

The Honorable Luis Gutierrez
2408 Rayburn
Washington, D.C. 20515

Dear Congressman Gutierrez:

Thank you for contacting me about private immigration bills for nine individuals who were brought to the U.S. illegally by their parents, grew up in the U.S., and are currently detained at the Eloy Detention Center in Arizona after attempting to return to the U.S. from Mexico.

Private immigration bills are extraordinary remedies granting permanent residence or honorary citizenship to non-citizens. Congress has adopted certain standards for private immigration bills and only in a very few instances when the facts of the case are applied to the standards, is different treatment available. In the 112th Congress, only one private immigration bill became law, as did only two in the 111th Congress and none in the 110th Congress.

In considering private immigration bills, the Committee adheres closely to prior precedent – the factors that were compelling in prior private immigration bills that were enacted into law. Precedent is essential in the consideration of private bills for three reasons:

- First, adherence to precedent ensures that bills have been considered solely on their merits, and not because of the influence of the particular Members who have introduced them or the parties of the Members who have introduced them.
- Second, almost any conceivable immigration scenario has been played out over the decades, with the admission of many millions of permanent residents and non-immigrants and the entry of millions of unlawful immigrants. If there is no precedent for a particular private bill, this means that in all likelihood Congress has been presented with the scenario in the past and decided that enactment of a private bill was not warranted. We should rely on the wisdom and judgment of past Congresses in deciding whether to make exceptions to immigration law.
- Third, precedent gives persons fair notice of whether they are likely candidates for successful private bills. If the facts of their cases strongly resemble those of private bills that have been enacted in the past, prospective alien beneficiaries and their American relatives and Members of Congress will know that their efforts to enact a private bill may bear fruit. If the facts do not, it is a strong indication not to make the effort.

The Committee only considers private legislation that lacks precedent when an alien presents unique and compelling circumstances.

I am aware of no precedent in which a private immigration bill was enacted to grant permanent residence to an alien based on the fact that the alien was brought illegally to the U.S. as a child and had subsequently grown up in the U.S. Also, the situation you wrote to me about cannot be said to be unique. There are estimated to be 1.35 million unlawful aliens in the U.S. who are under the age of 18, who for the most part were brought to the United States by their parents. Furthermore, under the rules governing private bills, the Committee cannot consider private bills on behalf of individuals the Member has not met and who have other remedies pending before DHS, such as parole requests or asylum.

For these reasons, Committee policy would not support private bills in the current situation. However, I know you care deeply about these young people, based on your work on the Subcommittee and your testimony at our recent hearing, and I appreciate your strong advocacy on behalf of these individuals and look forward to working with you on a durable solution for our immigration system.

Sincerely,



Trey Gowdy
Chairman
Subcommittee on Immigration and Border Security